

CHAPTER 25
RIVERBOAT OPERATION

[491—Chapters 20 to 25, relating to Games of Skill, Chance, Raffles and Bingo, transferred to 481—Chapters 100 to 105, 6/14/89 IAB]

491—25.1 to 25.9 Reserved.

491—25.10(99F) Licensing.

25.10(1) *Who may apply.* A qualified sponsoring organization may apply for a license for more than one boat with identical or different operators. Each request for a boat will be considered a separate application for purposes of these rules.

25.10(2) *License period.* Licenses will be issued for not more than an original three-year period and subject to annual renewals thereafter.

491—25.11(99F) Casino.

25.11(1) *Area utilized for the casino.* Rescinded IAB 6/8/94, effective 5/20/94.

25.11(2) *Gambling games authorized.*

a. Dice, roulette, twenty-one, big-six (roulette), red dog, and poker are authorized as table games.

b. Slot machines, progressive slot machines, video poker and all other video games of chance will be allowed as machine games, subject to the approval of individual game prototypes. For race-track enclosures, video machine as used in Iowa Code section 99F.1(9) shall mean any video poker, video blackjack, video keno or similar games requiring a decision on the part of a player after the wager has been made but prior to completing the game. Video machine shall also include a video lottery machine which dispenses payouts in the form of a paper credit slip. A weighted average of the theoretical payout percentage, as defined in 491—subrule 26.15(6), on all machine games shall be posted at the point of ticket sales, main casino entrance, cashier cages, and slot booths.

c. Rescinded IAB 6/8/94, effective 5/20/94.

25.11(3) *Checks and credit cards.*

a. A licensee shall not accept a credit card as defined in Iowa Code section 537.1301, subsection 16, to purchase coins, tokens, or other forms of credit to be wagered on gambling games.

b. The acceptance of personal checks will be allowed; however, “counter” checks will not be allowed, and all checks accepted must be deposited in a bank by the close of the banking day following acceptance.

491—25.12(99F) Riverboat uniform requirements.

25.12(1) A boat utilized for gaming purposes must meet or exceed uniform requirements for passenger vessels as specified in Title 46, Code of Federal Regulations. All such boats shall conduct and log all drills and actions required to be logged under subchapter “h” as of April 1, 1992. The minimum capacity necessary for an excursion gambling boat is 250 persons with tickets for admission pursuant to Iowa Code subsection 99F.5(1).

25.12(2) Boats must be self-propelled. A boat may contain more than one “vessel” as defined by the U.S. Coast Guard. In order to be utilized for gaming purposes, the vessel containing the casino must either contain a permanent means of propulsion or have its means of propulsion contained in an attached vessel. In the event that the vessel containing the casino is propelled by a second vessel, the boat will be considered self-propelled only when the vessels are designed, constructed and operated as a single unit. In addition, all vessels must comply with all operating conditions as stated on the certificate of inspection as issued by the U.S. Coast Guard and vessels containing passengers must comply with U.S. Coast Guard passenger vessel standards for fire systems. The boat must comply with U.S. Coast Guard standards for lifesaving, steering, main propulsion and bilge systems.

491—25.13(99F) Excursions.

25.13(1) Length. The excursion season shall be from April 1 through October 31 of each calendar year. An excursion gambling boat must operate at least one excursion each day for 100 days during the excursion season to operate during the off-season, although a waiver may be granted by the commission in the first year of a boat’s operation, if construction of the boat was not completed in time for the boat to qualify. Excursions shall consist of a minimum of two hours in transit during the excursion season. The number of excursions per day is not limited. During the excursion season and the off-season, while the excursion gambling boat is docked, passengers may embark or disembark at any time during its business hours pursuant to Iowa Code subsection 99F.4(17).

25.13(2) Completion of excursions. Rescinded IAB 6/8/94, effective 5/20/94.

25.13(3) Dockside completion of excursions. If, during the excursion season, the captain determines that it would be unsafe to complete any portion of an excursion, or if mechanical problems prevent the completion of any portion of an excursion, the boat may be allowed to remain at the dock or, if the excursion is underway, return to the dock and conduct the gaming portion of the excursion while dockside, unless the captain would determine that passenger safety is threatened.

25.13(4) Notification. If an excursion is not completed due to reasons specified in 25.13(3), an Iowa racing and gaming commission official shall be notified as soon as is practical.

491—25.14(99F) Security force.

25.14(1) Employ adequate security. Each licensee will employ sufficient security to remove a person violating a provision of Iowa Code chapter 99F, commission rules, orders, final orders, any person deemed to be undesirable by Iowa racing and gaming commission officials, or any person engaging in a fraudulent practice from the licensed premises.

25.14(2) Peace officer. Each licensee will ensure that a person who is a certified peace officer is present during all gaming hours.

25.14(3) Incident reports. The licensee is required to file a written report detailing any incident in which an employee or patron is detected violating a provision of Iowa Code chapter 99F or any commission rule, order or final order, or is removed for reasons specified under 25.14(1).

25.14(4) Report received. Rescinded IAB 12/25/91, effective 1/29/92.

491—25.15(99F) Firearms—possession within casino.

25.15(1) No patron or employee of the licensee, including the security department members, shall possess or be permitted to possess any pistol or firearm within a casino without the express written approval of the administrator unless:

- a. The person is a peace officer, on duty, acting in the peace officer’s official capacity; or
- b. The person is a peace officer possessing a valid peace officer permit to carry weapons who is employed by the licensee and who is authorized by the administrator to possess such pistol or firearm while acting on behalf of the licensee within that casino.

25.15(2) Each casino licensee shall post in a conspicuous location at each entrance to the casino a sign that may be easily read stating, "Possession of any firearm within the casino without the express written permission of the Iowa racing and gaming commission is prohibited."

491—25.16(99F) Videotaping. Licensees are required to conduct continuous surveillance with the capability of videotaping all gambling activities under 661—Chapter 23, promulgated by the department of public safety, division of criminal investigation.

491—25.17(99F) Gaming board. Rescinded IAB 10/8/97, effective 11/12/97.

491—25.18(99F) Disciplinary measures by commission. Rescinded IAB 10/8/97, effective 11/12/97.

491—25.19(99F) Gaming officials—duties. Rescinded IAB 10/8/97, effective 11/12/97.

491—25.20(99F) Boat operator's responsibilities.

25.20(1) Maintenance of ground and boat. Each licensee shall, at all times, maintain its grounds and facilities, to include all areas of the boat to which passengers have access, so as to be neat, clean, and in good repair, with special consideration for the safety of patrons, employees, and other persons whose business requires their attendance.

25.20(2) Facilities for commission. Each licensee shall provide reasonable, adequate furnished shore facility office space, including utilities, direct long distance access, custodial services and necessary office equipment, for the exclusive use of commission employees and officials, as well as a work space on the boat. Also, the licensee shall make available to the commission appropriate parking places for commission and staff. A proposal for such facilities shall be submitted to the administrator for approval 60 days prior to an excursion season if there is to be a change from the previous season.

25.20(3) Sanitary facilities for patrons. Each licensee shall provide adequate and sanitary toilets and washrooms and furnish free drinking water for patrons and persons having business on the boat or boat support facilities.

25.20(4) First-aid room. Each licensee shall equip and maintain adequate first-aid facilities and have in attendance, during the hours of operation, either a physician, a registered nurse, a licensed practical nurse, a paramedic, or an emergency medical technician, all properly licensed according to requirements of the Iowa department of public health.

25.20(5) Ejection or exclusion. A licensee may eject or exclude any person, licensed or unlicensed, from the grounds or boat or a part thereof, solely of its own volition and without any reason or excuse given, provided ejection or exclusion is not founded on race, creed, color, or national origin.

The licensee shall eject or exclude from the grounds or boat all persons believed to be engaged in a bookmaking activity or solicitation of bets or engaging in or encouraging others to participate in any illegal wagering, and a report shall be submitted promptly to the commission officials and to the division of criminal investigation.

Reports of all ejections or exclusions for any reason shall be made promptly to the commission officials and the division of criminal investigation and shall state the circumstances. The name of the person must be reported when ejected or excluded for more than one gaming day.

The commission may exclude any person ejected by a licensee from any or all grounds or boats controlled by any licensee upon a finding that attendance of the person would be adverse to the public interest.

25.20(6) Admissions. In addition to the requirements of Iowa Code section 99F.10(1) “c” and “d,” tax-exempt admission passes shall not be transferable and licensees shall exclude or eject from the boat any person attempting to use tax-exempt admission credentials not issued to that person. Tax-exempt passes shall be limited to guests of the commission and holders of current valid occupational licenses, except that tax-exempt passes may be issued by the licensee if prior approved by the administrator.

All gates used for admission of patrons must be approved by the commission.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when excursions are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any excursion conducted by the licensee.

The number of tickets distributed shall be reported to the racing and gaming commission the day of the cruise.

25.20(7) Enforcement of commission rules. Every license in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce the rules. Failure to comply with the rules of the commission may result in penalties the commission deems proper, including revocation of the license.

25.20(8) Remodeling. For any change to be made in land-based structures directly associated with gaming or in the structure of the boat itself, the licensee must first submit plans to and receive the approval of the administrator. When such plans are submitted, the administrator shall render a decision within five days after the next commission meeting.

491—25.21(99F) Taxes and admission fees.

25.21(1) Annual taxes and fees. All taxes and fees, whose collection by the state is authorized under Iowa Code chapter 99F, shall be accounted for on a fiscal-year basis, each fiscal year beginning on July 1 and ending on June 30.

25.21(2) Admission fees. Admission fees whose collection by the state is authorized under Iowa Code section 99F.10(2) shall be set for the following fiscal year by the commission on or before the June meeting of the commission. The total amount payable to the commission shall be determined on a per boat basis with each responsible licensee paying a proportionate amount of the total amount appropriated to the commission, less any prior year surplus from license fees collected by the commission. The admission fee will be assessed upon each person embarking upon an excursion gambling boat in the manner prescribed in paragraph “a” or “b” below. The responsible licensee may elect either of the two methods of payments prescribed in paragraphs “a” and “b” below. Such election must be made two weeks prior to the beginning of excursion boat gambling in each fiscal year and remain unchanged until the following fiscal year.

a. A prospective admission fee for each person embarking upon the excursion gambling boat will be established. The fee will be determined by the commission by dividing the proportionate amount allocable to the boat by 80 percent of the anticipated passenger count for that boat during the fiscal year. Any excess collected or deficit incurred different from the allowable amount shall be forwarded to the following fiscal year in determining the admission fee for that year.

b. A retrospective admission fee for each person embarking upon the excursion gambling boat will be established. The fee will be paid weekly during the fiscal year and determined by the commission by dividing the amount allocable to the boat by 52. The per passenger amount will be determined at the close of the fiscal year.

25.21(3) *Submission of taxes and admission fees.* All moneys collected for and owed to the commission or state of Iowa under Iowa Code chapter 99F shall be accounted for and itemized on a weekly basis on a form provided by the commission. A week shall begin on Monday and end on Sunday. The reporting form and the moneys owed must be received in the commission office by the close of business on the Thursday following the week's end.

25.21(4) *Racetrack enclosure.* Admission fees as required by Iowa Code subsection 99D.14(2) shall be collected in lieu of any fees imposed by Iowa Code section 99F.10.

25.21(5) *Turnstile requirement.* All gates used for admission of patrons must have turnstiles of a type approved by the commission, equipped with meters. Turnstiles must be numbered consecutively or have other means of individual identification.

491—25.22(99F) Slot machines and video games of chance movement. Reports must be filed with the commission on movements of slot machines and video games of chance into and out of the state of Iowa. Reports must be on forms provided by the commission and must be received in the commission office no later than 15 calendar days after the movement.

These rules are intended to implement Iowa Code chapters 99D and 99F.

[Filed 2/15/91, Notice 12/26/90—published 3/6/91, effective 4/10/91]

[Filed 12/6/91, Notice 10/16/91—published 12/25/91, effective 1/29/92]

[Filed emergency 12/12/91—published 1/8/92, effective 12/12/91]

[Filed 2/12/92, Notice 1/8/92—published 3/4/92, effective 4/8/92]

[Filed 5/22/92, Notice 4/15/92—published 6/10/92, effective 7/15/92]

[Filed emergency 9/25/92—published 10/14/92, effective 9/25/92]

[Filed 12/18/92, Notice 10/14/92—published 1/6/93, effective 2/10/93]

[Filed emergency 3/22/93—published 4/14/93, effective 3/22/93]

[Filed 5/21/93, Notice 4/14/93—published 6/9/93, effective 7/14/93]

[Filed 2/1/94, Notice 11/10/93—published 3/2/94, effective 4/6/94]

[Filed emergency 5/20/94—published 6/8/94, effective 5/20/94]

[Filed 7/22/94, Notice 6/8/94—published 8/17/94, effective 9/21/94]◊

[Filed 10/18/94, Notice 8/17/94—published 11/9/94, effective 12/14/94]

[Filed emergency 4/27/95—published 5/24/95, effective 4/27/95]

[Filed 5/18/95, Notice 3/29/95—published 6/7/95, effective 7/12/95]

[Filed 10/18/96, Notice 9/11/96—published 11/6/96, effective 12/11/96]

[Filed 9/19/97, Notice 8/13/97—published 10/8/97, effective 11/12/97]

[Filed 5/22/98, Notice 3/25/98—published 6/17/98, effective 7/22/98]